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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,036	03/02/2004	Eric J. Hull	109909-136740	1261

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SCHWABE, WILLIAMSON & WYATT, P.C.
PACWEST CENTER, SUITE 1900
1211 SW FIFTH AVENUE
PORTLAND, OR 97204

EXAMINER	
LEE, JUSTIN YE	

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/791,036	HULL ET AL.	
	Examiner	Art Unit	
	Justin Y. Lee	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 May 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *61-73* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *61-73* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/2/2008 has been entered.

Response to Amendment

1. This Office Action is in response to the amendment filed on 5/2/08.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 73 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitation "**wherein the source of the message being one of a plurality of sources at least**

two of the plurality of sources being correspondingly associated with at least two of the plurality of virtual light sources" is not disclosed in the specification or drawings.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 73 and 62-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keinonen et al. (US 6,959,207 B2) in view of Tyroler (US 6,320,941 B1).

Consider claim 73. Keinonen et al. disclose a mobile electronic communication device (Fig. 2) comprising:

a transceiver (network transceiver 206, Fig. 2);

a touch-screen display (output/display 202, Fig. 2 and col. 4, lines 67-col. 5, line 1); and

a processor unit coupled to the transceiver and touch-screen display (cpu 208, Fig. 2).

Keinonen et al. do not disclose the processor unit is configured to cause a light unit to light a selected one of plurality of virtual light sources on the touch-screen display to indicate receipt of a message from a source, with a selected one of the virtual light source manifesting an appearance of being illuminated, wherein the source of the message being one of a plurality of sources, at least two of the plurality of sources being correspondingly associated with at least two of the plurality of virtual light source.

Tyroler further disclose the processor unit is configured to cause a light unit to light a selected one of plurality of virtual light sources on the touch-screen display to indicate receipt of a message from a source, with a selected one of the virtual light source manifesting an appearance of being illuminated, wherein the source of the message being one of a plurality of sources, at least two of the plurality of sources being correspondingly associated with at least two of the plurality of virtual light source (col. 5, lines 8-26, a LED lights according to a source of a message is received. When combined with Keinonen et al. the LEDs can be emulated on the touch-screen display 202 as virtual light sources).

Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to utilize the teachings of Tyroler into the teachings of Keinonen et al. for the purposes of notifying the user the priority of the received messages (col. 5, lines 8-26).

Consider claim 62. The combination further disclose wherein the selected virtual light source manifesting the appearance of being illuminated is associated with a contact, and the message is received from the associated contact (Tyroler, col. 5, lines 8-26).

Consider claim 63. The combination further disclose wherein the processor unit is configured to cause another virtual light source to simultaneously manifest another appearance of being illuminated to indicate that a message has been received from a contract associated with the other virtual light source (Tyroler, col. 5, lines 8-26).

6. Claim 61 is rejected under 35 U.S.C. 103(a) as being unpatentable over Keinonen et al. (US 6,959,207 B2) in view of Tyroler (US 6,320,941 B1) as applied to claim 73 and further in view of McLaughlin et al. (US 4,975,694).

Consider claim 61. Keinonen et al. and Tyroler do not disclose wherein the mobile electronic communication device is configured to receive messages of two or more types, wherein the processor unit is configured to cause the light unit to manifest a further appearance of outputting the light with modulation that depends on the received message's type.

McLaughlin et al. further disclose wherein the mobile electronic communication device is configured to receive messages of two or more types, wherein the processor unit is configured to cause the light unit to manifest a further appearance of outputting the light with modulation that depends on the received message's type (col. 6, lines 9-27, different light to light up to indicate different received messages whether the message is a protect state type of message or pre-delete state type of message).

Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to utilize the teachings of McLaughlin et al. into the teachings of Keinonen et al. and Tyroler for the purposes of informing the user of a received message.

7. Claims 64-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keinonen et al. (US 6,959,207 B2) in view of Tyroler (US 6,320,941 B1) as applied to claim 73 and further in view of Williams et al. (US 6,753,842).

Keinonen et al. and Tyroler do not disclose wherein the processor unit is configured to cause the virtual light unit to manifest a further appearance of outputting of light with modulation that depends on an age of a message received by the mobile electronic communication device.

Williams et al. further disclose wherein the processor unit is configured to cause the virtual light unit to manifest a further appearance of outputting of light with modulation that depends on an age of a message received by the mobile electronic communication device (Williams et al., col. 4, lines 1-21).

Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to utilize the teachings of Williams et al. into the teachings of Keinonen et al. and Tyroler for the purposes of conserving battery power (col. 1, lines 35-39).

Consider claim 65. The combination further disclose wherein the manifested modulated light has a manifested color that depends on the relative age of a received message (Williams et al., column 1 lines 41-49).

Consider clam 66. The combination further disclose wherein the manifested modulated light has a manifested blinking rate that indicates a number of unread messages received from a contact (Williams et al., column 4 lines 1-21).

Consider clam 67. The combination further disclose wherein the message is a most recent message received from a contact (Williams et al., column 3 lines 23-35).

Consider clam 68. The combination further disclose wherein the message is an unread message received from the contact (Williams et al., column 4 lines 1-21).

Consider clam 69. The combination further disclose wherein the relative age is indicated using a plurality of predetermined age categories (Williams et al., column 1 lines 41-49).

Consider clam 70. The combination further disclose wherein each age category of the plurality of age categories is represented by a predetermined color of light manifested by the virtual light unit (Williams et al., column 3 lines 23-35).

Consider clam 71. The combination further disclose wherein each a age category of the plurality of age categories is represented by a predetermined number of light flashes within a. cycle manifested by the virtual light unit (Williams et al., column 4 lines 1-21).

8. Claim 72 is rejected under 35 U.S.C. 103(a) as being unpatentable over Keinonen et al. (US 6,959,207 B2) in view of Tyroler (US 6,320,941 B1) and McLaughlin et al. (US 4,975,694) as applied to claim 61 and further in view of Williams et al. (US 6,753,842).

Consider claim 72. Keinonen et al. and Tyroler and McLaughlin et al. do not disclose wherein the message is a SMS message.

Williams et al. further disclose wherein the message is a SMS message (column 3 lines 23-35).

Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to utilize the teachings of Williams et al. into the teachings of Keinonen et

al. and Tyroler and McLaughlin et al. for the purposes of conserving battery power (col. 1, lines 35-39).

Response to Arguments

Applicant's arguments with respect to claims 61-73 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin Y. Lee whose telephone number is (571) 272-5258. The examiner can normally be reached on M - Thu 7:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George Eng/
Supervisory Patent Examiner, Art Unit 2617

Justin Lee
AU 2617
7/8/08